

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

3rd RFB due 9/28/16

**RECEIVED**  
SEP 28 2016  
SC Court of Appeals

Appeal from Abbeville County  
Honorable Frank R. Addy, Jr., Circuit Court Judge  
Appellate Case No. 2015-002334

THE STATE,

Respondent,

vs.

KARLITA DESEAN PHILLIPS,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on September 28, 2016.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Jon Wynn Jarrard,

Sr. and State v. Walter M. Bash; has submitted a Brief of Respondent to the Supreme Court in State v. Thompson; has submitted a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Slocumb and State v. Rodriguez; and has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Jones, State v. Pontoo, State v. Coleman, State v. Freeman, and State v. Sims.

**III.**

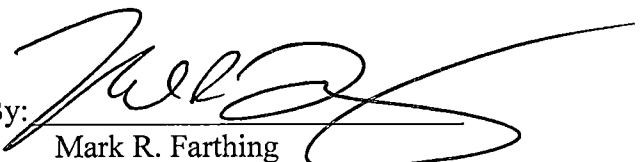
This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves two important issues on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

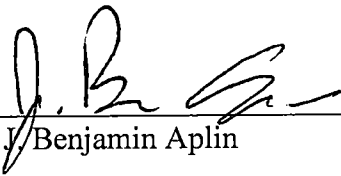
**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

By:   
Benjamin Aplin

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
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September 28, 2016

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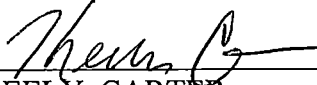
**PROOF OF SERVICE**

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I, Keely Carter, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

Robert M. Pachak, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 28th day of August, 2016.

  
\_\_\_\_\_  
KEELY CARTER  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



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SEP 28 2016  
SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

September 28, 2016

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Karlita Desean Phillips – Appellate Case No. 2015-002334

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Robert M. Pachak, Esquire  
Victim Services

✓